

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
CASE NO.: 7:14-cv-208-FL

UNITED STATES OF AMERICA FOR THE)
USE AND BENEFIT OF S&W READY MIX)
CONCRETE COMPANY, LLC,)

Plaintiff,)

-v-)

ORDER

INDUSTRIAL CONCRETE, INC.; JOHN)
HETRICK; UNIVERSAL CONSTRUCTION)
COMPANY, INC. d/b/a TURNER)
CONSTRUCTION; TRAVELERS CASUALTY)
AND SURETY COMPANY OF AMERICA;)
FEDERAL INSURANCE COMPANY;)
FIDELITY AND DEPOSIT COMPANY OF)
MARYLAND; LIBERTY MUTUAL)
INSURANCE COMPANY; and THE)
CONTINENTAL INSURANCE COMPANY,)

Defendants.)

_____)
This case comes before the Court upon the parties' Joint Motion for Continuance and for Leave to Modify Scheduling Order to extend the deadlines provided in the Case Management Order previously entered herein following the initial pre-trial conference. The parties having agreed to the extensions sought in said motion and it appearing to the Court that the motion is supported by good cause, the Court finds that the motion should be allowed. Accordingly, for the reasons provided in the motion and by consent of counsel, the joint motion is ALLOWED and the Case Management Order/Scheduling Order is modified as follows:

1. All written discovery responses shall be completed by June 30, 2015 unless otherwise ordered by the Court. No further written discovery requests shall be served without leave of Court.

2. All notices of deposition pursuant to Rule 30 of the Federal Rules of Civil Procedure shall be served by July 15, 2015 and shall be completed by September 15, 2015.

3. All disclosures required by Federal Rule of Civil Procedure 26(a)(2), including reports from retained experts, shall be served by plaintiff by July 15, 2015, and by defendants by September 15, 2015. Disclosures and reports by plaintiff's rebuttal experts shall be served by September 30, 2015. All notices of deposition of any such expert shall be served by October 15, 2015 and completed no later than November 15, 2015.

4. All potentially dispositive motions shall be filed by December 15, 2015. All motions to exclude testimony of expert witnesses pursuant to Federal Rules of Evidence 702, 703, or 705, Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), Kumho Tire Co. v. Carmichael, 526 U.S. 137 (1999), or similar case law shall be filed by December 15, 2015.

5. Due to the volume of documents produced in discovery by the parties herein, any motion to compel discovery shall be filed and served by July 15, 2015, after good faith effort between the parties to resolve the matter, unless the time for filing such a motion is extended for good cause shown. Prior to any filing, the complaining party shall convene a conference among the parties and this court by telephone through the office of the case manager, at (252) 638-8539. In the event of a discovery dispute of or relating to written discovery, the party convening the conference shall send via facsimile transmittal directed to the case manager at (252) 638-1529, the submissions in discovery most directly bearing on the particular dispute, for the court's review in advance of telephonic conference. Motions to compel filed after the deadline and/or without advance conference with the court, absent extenuating circumstances, summarily will be denied. Disputes in discovery which are reduced to writing, timely filed, and where conference

with this court in advance of filing has been unable to resolve said dispute, ordinarily will be referred to a magistrate judge for ruling.

6. Except as otherwise modified herein, the Case Management Order remains in effect.

SO ORDERED, this the 7th day of May, 2015.

A handwritten signature in cursive script, reading "Louise W. Flanagan".

LOUISE W. FLANAGAN
United States District Court Judge